

**CERTIFICATION OF ADMINISTRATIVE RULES
OF THE DEPARTMENT OF REVENUE
FILED WITH THE SECRETARY OF STATE
BRIAN P. KEMP**

(Pursuant to O.C.G.A. §§ 50-13-3, 50-13-4 and 50-13-6.)

I do hereby certify that the attached Rules are correct copies as promulgated and adopted on the 15th of October, 2010.

GEORGIA DEPARTMENT OF REVENUE

Filing Date: October 1, 2010.

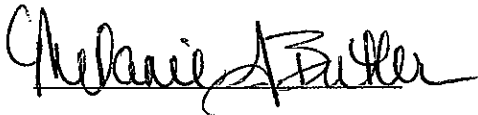
The Georgia Department of Revenue has adopted:

- 560-2-2-.01, entitled "Definitions."
- 560-2-2-.02, entitled "Licensing Qualifications."
- 560-2-2-.03, entitled "Bonds."
- 560-2-2-.04, entitled "Display of License."
- 560-2-2-.05, entitled "Monthly Report; Remittance of Taxes."
- 560-2-2-.06, entitled "Initial Applications; Temporary Permits Authorized; Conditions of Issuance."
- 560-2-2-.07, entitled "Certain Requirements for Licensees Upon Suspension of Alcohol License."
- 560-2-2-.08, entitled "Providing Testimony and Documents."
- 560-2-2-.09, entitled "Failure to Comply with Tax Laws."
- 560-2-2-.10, entitled "Ownership Interest."
- 560-2-2-.11, entitled "Restrictions on Non-Department Employees."
- 560-2-2-.12, entitled "Measurement of Distances."
- 560-2-2-.13, entitled "Refunds; Discounts; Gifts; All Sales Final."
- 560-2-2-.14, entitled "Coupons and Rebates."
- 560-2-2-.15, entitled "Inspection of Licensed Premises and Records."
- 560-2-2-.16, entitled "Emergency Movement of Alcoholic Beverages."
- 560-2-2-.17, entitled "Trade Practices – Inventory Sets and Resets; Notification."
- 560-2-2-.18, entitled "Trade Practices – Point-of-Sale Advertising."
- 560-2-2-.19, entitled "Trade Practices – Promotional Items and Marketing Events."
- 560-2-2-.20, entitled "Promotional Events."
- 560-2-2-.21, entitled "Prohibited Advertising."
- 560-2-2-.22, entitled "Trade Show."
- 560-2-2-.23, entitled "Manufacturer, Shipper or Wholesaler to Make Accurate Invoice."
- 560-2-2-.24, entitled "Sales by Vending Machines."


- 560-2-2-.25, entitled "Sales to Minors; Exceptions."
- 560-2-2-.26, entitled "Subterfuge"
- 560-2-2-.27, entitled "Violations; Unlawful Activities."
- 560-2-2-.28, entitled "Other Alcoholic Beverages Prohibited."
- 560-2-2-.29, entitled "Furnishing Alcoholic Beverages When Sale Not Permitted; Prohibited."
- 560-2-2-.30, entitled "Non-Registered Brands."
- 560-2-2-.31, entitled "Invalid Checks."
- 560-2-2-.32, entitled "Notification of Disciplinary Action."
- 560-2-2-.33, entitled "Termination of Business and Refunds on Close-Out Inventory."
- 560-2-2-.34, entitled "Product Recall."

The aforementioned Rules are being adopted under the authority of O.C.G.A. §§ 3-2-2, 3-2-3, 3-2-4, 3-2-6, 3-2-7, 3-2-32, 3-3-3, 3-3-20, 3-3-21, 3-3-49, 3-4-22, 3-4-152, 3-5-25.1, 3-6-21, and 48-12-2.

Sworn to and subscribed before me this 1st day of October, 2010.



(Signature of Notary Public)
(Notary Public Seal)



Bart L. Graham
Commissioner
Georgia Department of Revenue

Notary Public, Rockdale County, Georgia
My Commission Expires Nov. 19, 2012

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2-.01 Definitions - General Provisions.

(1) As used in these Regulations:

(a) "Act" means the Georgia Alcoholic Beverage Code Amended.

(b) "Alcohol" as defined by the Act means ethyl Alcohol, hydrated oxide of ethyl, or spirits of Wine, from whatever source or by whatever process produced.

(c) "Alcoholic Beverage" as defined by the Act means and includes all Alcohol, Distilled Spirits, beer, Malt Beverage, Wine, or fortified Wine intended for human consumption.

(d) "Alcohol Type" means the various derivatives of Alcohol products such as bourbon, gin and vodka for Distilled Spirits, chardonnay and pinot noir for Wine and lager and ale for Malt Beverages.

(e) "Brand" means the Manufacturer of Alcoholic Beverages.

(f) "Brand Label" means the differences in the Manufacturer's colors, Alcoholic Beverage name, or design as shown on the label.

(g) "Broker" as defined by the Act means any person who purchases or obtains an Alcoholic Beverage from an Importer, distillery, brewery, or Winery and sells the Alcoholic Beverage to another Broker, Importer, or Wholesaler without having custody of the Alcoholic Beverage or maintaining a stock of the Alcoholic Beverage.

(h) "Carrier" means any person whose business is to transport goods or people while acting in the capacity as common, private, or contract transporter of a product or service using its facilities or those of other carriers.

(i) "Commissioner" means the state revenue commissioner, or the Commissioner's designated agent or representative.

(j) "Consular Officer" means a career consular officer who is a national of the sending country assigned to a consular post in Georgia for the exercise of consular functions, and whose sending country is a contracting party to the multilateral consular convention referred to in Rule 560-2-15-.07 or another treaty with the United States of similar import.

(k) "Consular Post" means any consulate-general, consulate, vice-consulate or consular agency.

(l) "County or Municipality" as defined by the Act means those political subdivisions of this state as defined by law and includes any form of political subdivision consolidating a county with one or more municipalities.

(m) "Department" as defined by the Act means the Georgia Department of Revenue.

(n) "Denatured Alcohol" means a type of Alcohol, as defined in Code § 3-2-1, to which denaturants have been

added in order to render the Alcohol unfit for beverage purposes or internal human medicinal use.

(o) "Denaturants" means materials authorized for use pursuant to Chapter 1 of Title 27 of the Code of Federal Regulations.

(p) "Distilled Spirits" as defined by the Act means any Alcoholic Beverage obtained by distillation or containing more than twenty-one percent (21%) Alcohol by volume, including, but not limited to, all fortified Wines.

(q) "Educational Tour" means a tour conducted on the premises of a licensed brewery for the purpose of educating attendees on the process of formulating, mixing, fermenting, processing, packaging, and shipping Alcoholic Beverages produced at the licensed facility.

(r) "Family or Immediate Family" means any person related to a Manufacturer, producer, Shipper, Importer, or Broker within the first degree of consanguinity and affinity as computed according to the canon law.

(s) "Flavored Malt Beverage" means any Malt Beverage containing flavors and other non-beverage ingredients containing Alcohol. Except as provided by paragraph 1. of this Section, no more than 49% of the overall Alcohol content may be derived from the addition of flavors and other non-beverage ingredients containing Alcohol.

1. In the case of Malt Beverages with an Alcohol content of more than six percent (6%) and not to exceed fourteen percent (14%) by volume, no more than one and a half percent (1.5%) of the volume of the Malt Beverage may consist of Alcohol derived from added flavors and other non-beverage ingredients containing Alcohol.

2. A Flavored Malt Beverage shall be deemed a Malt Beverage for purposes of these Regulations.

(t) "Fortified Wine" as defined by the Act means any Alcoholic Beverage containing more than twenty-one percent (21%) Alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, brandy.

(u) "Fraternal Organization" means any society, order, or supreme lodge, whether incorporated or not, conducted solely for the benefit of its members and their beneficiaries and not for profit, operated on the lodge system with a ritualistic form of work, and having a representative form of government.

(v) "Free Tasting" means an event during which a properly licensed brewery or Winery may provide Malt Beverages or Wine to each attendee of lawful drinking age, for consumption on the licensed premises, and without charge of any kind, and only during or after completion of attendee participation in an instructional, educational, or promotional program or tour.

(w) "Gallon" or "Wine Gallon" as defined by the Act means a United States gallon of liquid measure equivalent to the volume of 231 cubic inches or the nearest equivalent metric measurement.

(x) "Hard Cider" as defined by the Act means an Alcoholic Beverage obtained by the fermentation of the juice of apples, containing not more than six percent (6%) of Alcohol by volume, including, but not limited to flavored or carbonated cider. For purposes of this regulation, hard cider shall be

deemed a Malt Beverage. This term does not include "sweet cider."

(y) "Head of a Consular Post" means the Consular Officer charged with the duty of acting in the capacity of head of the Consular Post to which he or she is assigned.

(z) "Importer" as defined by the Act means any person who imports an Alcoholic Beverage into this state from a foreign country and sells the Alcoholic Beverage to another Importer, Broker, or Wholesaler and who maintains a stock of the Alcoholic Beverage.

(aa) "Individual" as defined by the Act means a natural person.

(bb) "Licensee" means any person who is granted a license or permit by the Department concerning the manufacturing, brokering, importing, wholesaling, or shipping of Alcoholic Beverages, or who is licensed as a Retailer or Retail Consumption Dealer.

(cc) "Malt Beverage" as defined by the Act means any Alcoholic Beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water containing not more than fourteen percent (14%) Alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. This term does not include sake, known as Japanese rice Wine.

(dd) "Manufacturer" as defined by the Act means any maker, producer, or bottler of an Alcoholic Beverage and:

1. In the case of Distilled Spirits, any person engaged in distilling, rectifying, or blending any Distilled Spirits;

2. In the case of Malt Beverages, any brewer; and

3. In the case of Wine, any vintner.

(ee) "Mead Wine" or "Honey Mead" means a fermented Alcoholic Beverage made from honey that may not contain an Alcoholic content of more than fourteen percent (14%) by volume or total solids content that exceeds thirty-five (35) degrees Brix.

(ff) "Military Beer" means Malt Beverages which have been purchased pursuant to these regulations which are exempt from Georgia excise taxes and which have been properly identified pursuant to Regulations 560-2-15-.03 and 560-2-15-.04.

(gg) "Military Liquors" means Distilled Spirits purchased pursuant to these regulations which are exempt from Georgia excise taxes and which have been properly identified pursuant to Regulation 560-2-15-.04.

(hh) "Military Reservation" as defined by the Act means a duly commissioned post, camp, base, or station of a branch of the armed forces of the United States located on territory within this state which has been ceded to the United States.

(ii) "Military Wine" means Wine purchased pursuant to these regulations which is exempt from Georgia excise taxes.

(jj) "Package" as defined by the Act means a bottle, can, keg, barrel, or other original consumer container.

(kk) "Person" as defined by the Act means any individual, firm, partnership, cooperative, nonprofit membership

corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public.

(ll) "Place of Business" means the premises of a licensed Manufacturer, Broker, Importer, Wholesaler, Retailer or Retail Consumption Dealer described in the license where Alcohol, or Alcoholic Beverages are manufactured, sold, or offered for sale.

(mm) "Premises" means one physically identifiable Place of Business consisting of one room, or two or more contiguous rooms operating under the same trade name where Distilled Spirits by the drink are sold.

(nn) "Promotional Tour" means a tour conducted at a brewery or winery for the purpose of marketing a product to attendees highlighting the customer service of the company.

(oo) "Regulations" means the regulations that are promulgated by the Commissioner pursuant to the Act.

(pp) "Representative" means a person, employee, agent, independent contractor, or salesperson with or without compensation from a Licensee, who, acting on behalf of or at the direction of the Licensee, represents the Licensee to a third-party.

(qq) "Retail Consumption Dealer" as defined by the Act means any person who sells Distilled Spirits for consumption on the premises at retail only to consumers and not for resale.

(rr) "Retailer" as defined by the Act means, except as to Distilled Spirits, any person who sells Alcoholic Beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale. With respect to Distilled Spirits, the term means any person who sells Distilled Spirits in unbroken packages at retail only to consumers and not for resale.

(ss) "Routine Hub Transfer" means a simultaneous transfer of Alcoholic Beverage products from one Wholesaler delivery truck (hub truck) to another Wholesaler delivery truck(s) (spoke trucks).

(tt) "Shipper" as defined by the Act means any person who ships an Alcoholic Beverage into Georgia from outside of Georgia.

(uu) "Standard Case" as defined by the Act means six (6) containers of 1.75 liters, twelve (12) containers of 750 milliliters, twelve (12) containers of one liter, twenty-four (24) containers of 500 milliliters, twenty-four (24) containers of 375 milliliters, forty-eight (48) containers of 200 milliliters, or one hundred twenty (120) containers of 50 milliliters.

(vv) "State" means the State of Georgia.

(ww) "Taxpayer" as defined in the Act means any person made liable by law to file a return or to pay tax.

(xx) "Warehouse" means any premises of a Wholesaler, Manufacturer, Importer, or Shipper other than its registered Place of Business, used for the storage of Alcoholic Beverages in accordance with the express written approval of the Commissioner.

(yy) "Wholesaler" as defined by the Act means any person who sells Alcoholic Beverages to other licensed Wholesalers, Importers, Retailers, or to Retail Consumption Dealers.

(zz) "Wine" as defined by the Act means any Alcoholic Beverage containing not more than 21 percent (21%) Alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added.

1. This term includes, but is not limited to, all sparkling Wines, champagnes, combinations of such beverages, vermouths, special natural Wines, rectified Wines, other like products and Sake, which is an Alcoholic Beverage produced from rice.

2. This term does not include cooking Wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.

3. A liquid shall first be deemed to be a Wine at that point in the manufacturing process when it conforms to the definition of Wine contained in the Act.

Authority: O.C.G.A. § 3-2-2.

**RULES
OF
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ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2.02 Licensing Qualifications - General Provisions.

(1) No Person shall manufacture, distribute, sell, handle, or possess for sale or otherwise deal in Alcoholic Beverages or non-beverage Alcohol without first obtaining all applicable licenses required by the Act and these regulations.

(2) Every Person applying for a state license, permit, or registration to deal in Alcoholic Beverages, shall make application, on forms prescribed by the Commissioner, and under oath shall answer all questions, supply all information, personnel statements, including information regarding applicant's employees, if requested, furnish all certificates, affidavits, bonds and other supporting data or documents as reasonably required by the Commissioner.

(a) All license applications under these regulations shall be a permanent record.

(b) Willful failure to furnish the Department with any of the information required by these regulations or by law shall constitute grounds for denial or revocation of a license.

(3) Applications for a state license, permit, or registration shall state the identical name and address of the applicant

as stated in the application for a license required by local governing authorities.

(a) Every license shall specify the premises where the Licensee shall have its Place of Business and such location shall not be changed during the term of the license.

(b) Any Fraternal Organization shall be permitted to apply for a license in the name of any qualified officer or member of such organization.

(c) Any legal entity, including but not limited to, all partnerships, limited liability companies, domestic or foreign corporations, lawfully registered and doing business under the laws of Georgia or the laws of another state and authorized by the Secretary of State to do business in Georgia, which seeks to obtain a license for Alcoholic Beverage or non-beverage Alcohol may be permitted to apply for a license in the name of the legal entity as it is registered in the Office of the Secretary of State of Georgia. Provided, however:

1. In its application for an Alcoholic Beverage or non-beverage Alcohol license, the legal entity shall provide the Commissioner with the name and address of its agent authorized to receive service of process under the laws of Georgia, together with a listing of its current officers and their respective addresses.

2. Any change in the status of Licensee's registered agent, including but not limited to, change of address, or name, shall be reported to the Commissioner within five (5) days of such occurrence.

3. In the event that a legal entity shall fail to appoint or maintain a registered agent in Georgia as required by law, or

whenever its registered agent cannot with due diligence be found at the registered office of the corporation as designated in its application for license, the Commissioner shall be appointed agent to receive any citation for violation of these regulations.

4. Process may be served upon the Commissioner by leaving with the Commissioner duplicate copies of such citations.

5. In the event that the notice of citation is served upon the Commissioner or one of the Commissioner's designated agents, the Commissioner shall immediately forward one of the copies to the corporation at its registered office.

6. Any service made upon the Commissioner shall be answerable within thirty (30) days.

7. The Commissioner shall keep a record of all citations served upon the Commissioner under this Regulation, and shall record the time of service and the disposition of that service.

(4) The state license issued shall be valid for the calendar year indicated; provided that:

(a) The Licensee is actively engaged in business; and

(b) If applicable, has a valid county or municipal license.

(5) In the event a Licensee ceases to be actively engaged in business, or if a Licensee's local license becomes invalid in any way, the state license shall be invalid and the Licensee of that business shall immediately notify and return the state license to the Department.

(6) A Licensee that desires to continue in business during the next calendar year must make a new application for that year on or before November 1 of the preceding year.

(7) Any untrue, misleading, or omitted statement or information contained in an application shall be cause for denial and, if any license has been granted, shall be cause for its revocation.

(8) The failure of any applicant, or failure of any Person, firm, corporation, legal entity, or organization having any interest in any operation for which an application has been submitted, to meet any obligations imposed by the tax laws or other law or regulation of Georgia shall be grounds for denial of the license, permit or registration for which an application is made.

(9) When contrary to the public interest and welfare, no license to sell Alcoholic Beverages of any kind shall be issued by the Commissioner to:

(a) Any person as determined by the Commissioner, by reason of that person's business experience, financial standing, trade associations, personal associations, records of arrests, or reputation in any community in which he has resided, who is not likely to maintain the operation for which he is seeking a license in conformity with federal, state or local laws;

(b) Any person convicted of a felony who served any part of a criminal sentence, including probation within the ten (10) years immediately preceding the date of receipt of submission of the application;

(c) Any person who has been convicted of a misdemeanor who served any part of a criminal sentence, including

probation within the five (5) years immediately preceding the date of receipt of submission of the application.

(10) The Commissioner may decline to issue a state license to a person for the operation of a Place of Business when any person having any interest in the operation of that Place of Business, or control over such Place of Business does not meet the same requirements as set forth in these regulations for the Licensee.

(11) If the Commissioner has reason to believe that the applicant is not entitled to the license for which the applicant has applied, the Commissioner shall notify the applicant in writing.

(a) The applicant shall have fifteen (15) days from the date of the notice to request, in writing, a hearing on the application;

(b) Upon receipt of applicant's written request, the Commissioner shall provide the applicant with due notice and opportunity for a hearing on the application pursuant to the regulations in Chapter 16;

(c) If the Commissioner, after providing notice and an opportunity for a hearing, finds the applicant is not entitled to a license, the applicant shall be advised in writing of the findings upon which that denial is based.

Authority: O.C.G.A. § 3-2-2.

**RULES
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ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2-.03 Bonds - General Provisions.

(1) Alcoholic Beverage Licensees for Distilled Spirits and Wine are required to post with the Commissioner an approved annual bond under a surety company authorized to do business in Georgia, in the amount and under conditions specified by Code § 3-4-22 for Distilled Spirits, and Code § 3-6-21 for Wine.

(2) Alcoholic Beverage Licensees for Malt Beverages are required to post with the Commissioner either:

(a) An approved annual bond under a surety company authorized to do business in Georgia, in the amount and under conditions specified by Code § 3-5-25.1 for Malt Beverages, and Regulation 560-2-8-.02 for brewpubs; or

(b) An irrevocable bank letter of credit, issued by a bank located in Georgia, conditioned upon the prompt payment of all sums which may become due as required by all laws, rules and regulations governing the distribution and sale of Alcoholic Beverages in Georgia.

Authority: O.C.G.A. §§ 3-2-6, 3-4-22, 3-5-25.1, 3-6-21.

**RULES
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ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2.04 Display of License - General Provisions.

(1) Every license issued under the Act shall be prominently displayed to the public, by the holder at the Licensee's Place of Business.

(2) Licenses for on-premise consumption outlets shall be displayed at each premise for which a license has been issued.

(a) On-premise outlets which cannot be determined as one identifiable Place of Business shall require additional licenses regardless of whether those establishments have the same trade name, ownership, or management;

(b) Nothing shall require additional licenses for service bars, or portable bars used exclusively for the purpose of mixing or preparing Alcoholic Beverage drinks when such bars are accessible only to employees of the licensed establishment and from which Alcoholic Beverage drinks are prepared to be served on the licensed premises.

(3) Any Alcoholic Beverages kept, stored, or found at the Licensee's Place of Business or Warehouse shall be presumed to be the Licensee's property.

Authority: O.C.G.A. §§ 3-2-2, 3-3-3.

**RULES
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ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2-.05 Monthly Report; Remittance of Taxes -
General Provisions.**

(1) Taxes imposed on all Alcohol manufactured, imported, sold, possessed, delivered, purchased, used, consumed, handled, or offered for sale within Georgia shall be collected from Wholesalers by use of a reporting system.

(a) Every Wholesaler shall file a monthly report with the Commissioner, in such format or manner as the Commissioner may reasonably prescribe, setting forth Alcoholic Beverage purchases for each calendar month, beginning and ending inventories for each calendar month and such other information as the Commissioner may require to describe the complete transactions;

(b) Each Wholesaler shall file the report for all Alcoholic Beverages, no later than the fifteenth (15th) day of each month for the preceding calendar month's transactions;

(c) The report shall indicate the total disposition of Alcoholic Beverages during the report period; and

(d) The proper tax remittance for all transactions shall be attached to the report.

(2) When one Wholesaler sells or transfers Alcoholic Beverages to another Wholesaler, the seller shall indicate on

the sales invoice that the Alcoholic Beverages are tax-paid by the seller.

(a) The seller shall include the transaction on the seller's monthly report and shall remit the proper tax with that report.

(3) No licensed Wholesaler shall accept or take from any municipality or county any fee, discount, rebate, or compensation of any nature for the collection or reporting of the city and/or county excise taxes as required.

Authority: O.C.G.A. §§ 3-2-2, 3-2-6.

**RULES
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**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2-.06 Initial Applications; Temporary
Permits Authorized; Conditions of Issuance -
General Provisions.**

(1) Persons making initial license applications pursuant to Georgia laws and regulations, after properly filing all required documents, may be authorized by the Commissioner to operate pursuant to a temporary permit.

(2) Before any temporary permit shall be issued, the applicant must have filed with the Department the following documents and materials under the conditions indicated:

(a) A valid local license from the proper governing authority to engage in the business for which application is made;

(b) A valid state application with all questions answered and which indicates prima facie eligibility to hold the license sought;

(c) All other documents required pursuant to the laws and regulations for obtaining a license appropriate to the type of business for which application is made; and

(d) Any other relevant information the Commissioner may deem appropriate under the circumstances.

(3) The issuance of any temporary permit pursuant to the above conditions is within the discretion of the Commissioner and may be withdrawn by the Commissioner at any time without notice or hearing.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3, 3-2-7.

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**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2.07 Certain Requirements for Licensees
Upon Suspension of Alcohol License - General
Provisions.**

(1) In every case in which an Alcoholic Beverage license is suspended, the Licensee shall be required to post a public notice in a prominent and conspicuous place on the front window or door of the licensed premises throughout the period of suspension.

(a) The dimensions of the notice shall be at least eight and one-half (8.5) inches by eleven (11) inches with a font size of at least eighteen (18) point in Times New Roman font.

(2) The notice shall contain:

(a) The Licensee name;

(b) License number;

(c) Address of the licensed location; and

(d) A statement that the Licensee's license is suspended pursuant to an order of the Commissioner for violation of the Act and/or the regulations of the Commissioner.

(3) In addition to the public notice requirement set forth under paragraph (1) of this Regulation, the Commissioner may make available to the public a complete or partial listing of all Alcohol license suspensions and cancellations on the Department's website or by such other means as designated by the Commissioner.

(4) Licensees who fail to comply with this Regulation shall be subject to additional disciplinary action including, but not limited to, further license suspension or cancellation.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3.

**RULES
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**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2.08 Providing Testimony and Documents -
General Provisions.**

(1) By the application for, the acceptance of, or the conduct of business under any license or permit issued pursuant to this Act, every holder of a license or permit issued and every employee or officer of such Licensee agrees to appear and give sworn testimony and produce documents and records reasonably calculated to aid the Commissioner in any investigation or hearing held under this Act or under these regulations.

(2) Each such person shall appear and produce the required documents at the office of the Commissioner or at such other place as he may reasonably designate, at a time as the Commissioner may designate in writing and with reasonable notice.

Authority: O.C.G.A. §§ 3-2-2, 3-2-3.

**RULES
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ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2.09 Failure to Comply with Tax Laws -
General Provisions.**

(1) No application for a license to sell Alcoholic Beverage will be considered so long as the applicant, Person, firm or corporation holding any interest in the business for which application is made, has failed to meet any obligations imposed by any tax law of Georgia.

(2) The failure of any Licensee, permittee, registrant, Person, firm, or corporation holding an interest in the business for which the license, permit or registration is issued to meet any obligations imposed by the Act, any tax law of Georgia, or any regulations of the Commissioner shall be grounds for suspension, revocation, or cancellation of a license, permit or registration.

Authority: O.C.G.A. § 3-2-2.

**RULES
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ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2-.10 Ownership Interest; Change or Transfer of Ownership - General Provisions.

(1) Neither a Manufacturer, producer, Shipper, Importer, or Broker, nor any of its employees or members of such Manufacturer's, producer's, Shipper's, Importer's, or Broker's immediate family shall have, own, or enjoy any ownership interest in, or partnership arrangement or other business association with the business of any Wholesaler or Retailer.

(2) Neither a Wholesaler, nor any of its employees, or any members of such Wholesaler's immediate family shall have, own or enjoy any ownership interest in, or partnership arrangement or other business association with the business of any Manufacturer, producer, Shipper, Importer, Broker, or Retailer; provided nothing shall prohibit such persons from owning stock in such firms when such firms' stock is publicly traded on a national exchange or over the counter.

(3) Neither a Retailer or Retail Consumption Dealer, nor any of its employees or members of such Retailer's or Retail Consumption Dealer's immediate family shall have, own or enjoy any ownership interest in, or partnership arrangement or other business association with the business of any Wholesaler, Manufacturer, producer, Shipper, Importer or Broker.

(d) Any substantial change in or any agreement in principle, whether written or not, to change the conduct or ownership interest of any licensed business.

(6) The Commissioner shall notify Licensee upon receipt of written notice of any objection to the ownership or interest.

(a) The Licensee shall have fifteen (15) days from the date of the notice to request, in writing, a hearing on the objection;

(b) Upon receipt of Licensee's written request the Commissioner shall provide the Licensee with due notice and opportunity for hearing on the application pursuant to Chapter 560-2-16;

(c) If the Commissioner, after providing notice and opportunity for hearing, finds the Licensee is not entitled to a license pursuant to these regulations, the applicant shall then be advised in writing of the findings upon which the denial is based.

(7) No state license may be transferred from one person to another.

(a) The Commissioner may at the Commissioner's discretion grant a transfer of a license from one location to another location within the same local regulatory jurisdiction, provided authority for such a transfer has also been granted by the local governing authority.

Authority: O.C.G.A. § 3-2-2.

**RULES
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**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2-.11 Restrictions on Non-Department
Employees - General Provisions.**

No employee of any Manufacturer, Importer, Broker, producer, joint registrant or Wholesaler shall at any time, with or without compensation, act as a salesperson or sales clerk in a Retailer's or Retailer Consumption Dealer's Place of Business.

Authority: O.C.G.A. § 3-2-2

**RULES
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**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2-.12 Measurement of Distances – General Provisions.

(1) Unless otherwise provided by law, all measurements to determine distances required by the Act, for the issuance of an initial state Alcoholic Beverages license, shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:

(a) Prior to April 1, 2007:

1. From the front door of the structure which Alcoholic Beverages are sold or offered for sale.
2. In a straight line to the nearest public sidewalk, walkway, street, road or highway.
3. Along such public sidewalk, walkway, street, road or highway by the nearest route.
4. To the front door of the building, or to the nearest portion of the grounds, whichever is applicable under the appropriate statute.

(b) After March 31, 2007:

1. In a straight line from the front door of the structure from which Alcoholic Beverages are sold or offered for sale.

2. To the front door of the building of a church, government-owned treatment center or a retail package store. Or

3. To the nearest property line of the real property being used for school or educational purposes.

(2) All renewal applications shall use the measurements required in the initial application and license.

Authority: O.C.G.A. §§ 3-2-2, 3-3-21, 3-3-49.

**RULES
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**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2-.13 Refunds; Discounts; Gifts; All Sales
Final - General Provisions.**

(1) Unless otherwise specifically permitted by this Act and these regulations, no Manufacturer, producer, Shipper, Importer, Broker, or Wholesaler, nor their employees, agents, Representatives, or anyone acting on their behalf, shall directly or indirectly:

(a) Make any gift, refund, price concession, discount, joint offer, or any concession of any kind or character;

(b) Give or offer to give any sample, free goods, articles or things of value in connection with the sale of Alcoholic Beverages;

(c) Compensate any Retailer or Retail Consumption Dealer or their employees for interior or exterior beautification, improvement in premises, displaying any merchandise, or displaying the same merchandise in a particular position or manner;

(d) Make any inducement to any Retailer or Retail Consumption Dealer or their employees, agents, buyers, or purchasing agents by:

1. Furnishing, giving, or lending any equipment, fixtures, signs, supplies, money, services, or other things of value.

2. Guaranteeing any loan or repayment of any financial obligation, or paying total or partial payment of salary or promoting any promotion or sales contest for such persons.

(2) Nothing shall prohibit quantity discounts by Wholesalers to Retailers or Retail Consumption Dealers provided such quantity discounts are for sale and delivery to a single retail location and are available to all Retailers and Retail Consumption Dealers within that Wholesalers' designated sales territory and upon equal terms.

(3) It shall be a violation of this Regulation for any Retailer or Retail Consumption Dealer, their employees, agents, buyers, purchasing agents, or anyone acting directly or indirectly in their behalf to accept, acquiesce, or otherwise participate in the prohibited acts contained in this Act or these regulations, or to coerce or attempt to coerce, entice, request, or solicit any prohibited acts.

(4) Alcoholic Beverages shall be inspected at the time of delivery for breakage, damage, shortage and for any other condition which would render delivery unacceptable to the Retailer or Retail Consumption Dealer.

(a) No adjustment or exchange subsequent to delivery shall be permitted where breakage, shortage, or other conditions are evident to the extent that such conditions would have been obvious upon casual inspection at the time of delivery.

(5) A licensed Wholesaler may accept from any licensed Retailer or Retail Consumption Dealer any quantity of Alcoholic Beverages and give that Retailer or Retail Consumption Dealer credit for the same, but only if on the same day the Retailer or Retail Consumption Dealer buys from the Wholesaler, at prevailing prices, a like quantity, measured in case lots, of the same Alcohol Type and Brand, and copies of the invoices evidencing such transfer are

promptly filed at the Wholesaler's Place of Business for inspection by the Commissioner or his agents.

(6) Exchanges of identical Brands and quantities of Alcoholic Beverages shall be authorized for "leakers" or "short fills," provided at the time of such exchange the tops of the containers are affixed and such leakage is apparent.

(a) No adjustment, credit, or exchange subsequent to delivery shall be permitted for chipped bottle necks of Malt Beverages;

(b) Within thirty (30) days of Malt Beverage Brands becoming outdated in accordance with written brewery or Wholesalers' quality control standards and provided the Malt Beverages were sold to the Retailer or Retail Consumption Dealer at the Wholesalers' posted unit price at the time of sale, Wholesalers:

1. May exchange identical Brands and quantities of Malt Beverages.

2. May exchange the Malt Beverage for identical quantities of the same or other Brands within the mix and match assortment sold under authority of Regulation 560-2-4-.07 and the Malt Beverages have the same single case price as products being exchanged.

3. Shall retain copies of invoices evidencing such exchanges and promptly file same at the Wholesaler's Place of Business for inspection by the Commissioner or his agents.

4. Shall not issue a credit, rebate, or refund of excise taxes for such an exchange.

Authority: O.C.G.A. §§ 3-2-2, 48-2-12.

**RULES
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**CHAPTER 560-2-2
GENERAL PROVISIONS**

560-2-2-.14 Coupons and Rebates - General Provisions.

(1) It shall be a violation of these regulations for any licensed Retailer or Retail Consumption Dealer to offer any coupon or rebate affecting the price or prices of Alcoholic Beverages, nor shall any licensed Retailer or Retail Consumption Dealer accept any coupon or rebate in payment for purchases of Alcoholic Beverages.

(2) No Retailer or Retail Consumption Dealer shall redeem any Manufacturer coupon or rebate promoting the sale or use of Alcoholic Beverages.

(a) All Manufacturer coupons or rebates promoting the sale or use of Alcoholic Beverages, or for merchandise other than Alcoholic Beverages, shall only be redeemable by the Manufacturer or its designated agent. A designated agent cannot be a Retailer or Retail Consumption Dealer in Georgia.

(3) Nothing shall prohibit a licensed Retailer or Retail Consumption Dealer, for its own advertising purposes, from offering in-store coupons or rebates and from redeeming such coupons or rebates for the purchase of merchandise other than Alcoholic Beverages, unless otherwise prohibited by local regulation.

(4) No Manufacturer, or anyone acting on its behalf, shall make any arrangement of any kind or character, or enter into any agreement, with any licensed Retailer or Retail Consumption Dealer in connection with the use and redemption of coupons or rebates promoting the sale or use of Alcoholic Beverages.

(5) No Manufacturer, or anyone acting on its behalf, shall make its coupons or rebates available to any licensed Retailer or Retail Consumption Dealer offering the Manufacturer's products for sale to the exclusion of other licensed Retailer's or Retail Consumption Dealer's offering the Manufacturer's products for sale.

Authority: O.C.G.A. § 3-2-2.

**RULES
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**CHAPTER 560-2-2
GENERAL PROVISIONS**

**560-2-2-.15 Inspection of Licensed Premises and
Records - General Provisions.**

(1) The Commissioner and/or the Commissioner's agents may enter the licensed Place of Business of any person engaged in the manufacture, transportation, distribution, sale, storage, or possession of Alcoholic Beverages at any time for the purpose of inspecting the Place of Business and enforcing this Act and these regulations, and the agents shall have access during the inspection to:

(a) All areas of the Place of Business; and

(b) All books, records, and supplies relating to the manufacture, transportation, distribution, sale, storage, or possession of Alcoholic Beverages.

(2) Failure to cooperate with all aspects of an inspection or to hinder or interfere with an agent in the performance of the agent's duties shall be a violation of these regulations by any Licensee, its employee, or anyone acting on behalf of or with the approval of the Licensee, compensated or otherwise.

(3) Interference or hindrance of an agent shall include, but not be limited to the following:

(a) Disorderly conduct including behaving in any manner tending to threaten or to appear to threaten the agent or members of the public during an inspection or performance of the agent's duty;

(b) Disturbing the peace including, but not limited to, utilizing loud, boisterous, threatening, abusive, insulting, or indecent language during an inspection or performance of the agent's duty.

Authority: O.C.G.A. §§ 3-2-2, 3-2-32.